



THE ATTORNEY GENERAL OF TEXAS

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AUSTIN, TEXAS 78711

November 24, 1969

Honorable Ronald D. Stephens
County Attorney
Courthouse
Graham, Texas

Opinion No. M-513

Re: Whether the Texas Tort
Claims Act requires counties
to come within the pro-
visions of the Workmen's
Compensation Act the same
as any other employer.

Dear Mr. Stephens:

In your request for an opinion you state the following:

"Does the Texas Tort Claims Act effective
January 1, 1970 make it mandatory for county
governments to come within the provision of
the Workmen's Compensation Act, the same as
any other employer."

Section 3 of Article 8309c, Vernon's Civil Statutes,
authorizes counties to carry Workmen's Compensation Insurance
for the benefit of their employees and provides that carrying
such insurance is permissive and not mandatory.

The caption of the Texas Tort Claims Act (Art. 6252-19,
V.C.S.) provides that it is an act "making applicable the pro-
visions of the Workmen's Compensation Act to those units of
government acquiring Workmen's Compensation Insurance." Section
19 of the Act reads as follows:

"Sec. 19. Any governmental unit carrying
Workmen's Compensation Insurance or accepting
the provisions of the Workmen's Compensation
Act of the State of Texas shall be entitled to
all of the privileges and immunities granted
by the Workmen's Compensation Act of the State
of Texas to private persons and corporations."
(Emphasis added.)

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There is no conflict between these two statutes and Article 6252-19 does not repeal Article 8309c. Statutes which deal with the same general subject and have the same general purpose are "in para materia" and must be harmonized, if possible, so as not to destroy the effect of either. Goldman v. State, 277 S.W.2d 217, 222 (Tex.Civ.App. 1954 ref. n.r.e.).

We answer your inquiry in the negative.

S U M M A R Y

The Texas Tort Claims Act (Article 6252-19, V.C.S.) does not make it mandatory for counties to carry Workmen's Compensation Insurance.

Very truly yours,


CRAWFORD C. MARTIN
Attorney General of Texas

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